



MICHAEL P. LOWRY, ESQ.  
Nevada Bar No. 10666  
E-mail: [Michael.Lowry@wilsonelser.com](mailto:Michael.Lowry@wilsonelser.com)  
JONATHAN C. PATTILLO, ESQ.  
Nevada Bar No. 13929  
E-mail: [Jonathan.Pattillo@wilsonelser.com](mailto:Jonathan.Pattillo@wilsonelser.com)  
6689 Las Vegas Boulevard South, Suite 200  
Las Vegas, NV 89119  
Tel: 702.727.1400/Fax: 702.727.1401  
Attorneys for Steven T. West; Blake Reidhead, Inc.

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Gary Bernstein

Plaintiff,

vs.

Blake Reidhead, Inc. d/b/a BDR Transport; Steven  
Thomas West; Does I through XX, inclusive; and  
Roe Business Entities I through XX, inclusive,

Defendants.

Case No.: 2:21-cv-246 -JAD-VCF

**Stipulation and Order to Continue  
Discovery Deadlines**

**(Sixth Request)**

Pursuant to Federal Rule of Civil Procedure 29(b) and Local Rules 6-1, 7-1 and 2604, the parties hereby submit the following Stipulation and Order to Continue Discovery Deadlines (Fifth Request) to extend the discovery deadlines and all related case management deadlines, as set forth the order granting the parties' discovery plan (ECF No. 19) by 90 days.

**I. Discovery Completed To Date**

- a. Written Discovery to Plaintiff
- b. Written Discovery to Steven West
- c. Written Discovery to Blake Reidhead, Inc.
- d. Deposition of Plaintiff
- e. Deposition of Steven West
- f. Deposition of 30(b)(6) representative of Blake Reidhead, Inc.

1           g. Expert Inspection

2           h. Orthopedic Rule 35 Examination of Plaintiff

3           i. Expert Disclosures, except as to Defendants' potential neuropsychological  
4           examination.

5           j. Disclosure of Rebuttal Experts

6       **II. Discovery Remaining**

7           a. Potential neuropsychological examination, depending on court's ruling concerning  
8           motion to dismiss certain causes of action.

9           b. Depositions of experts.

10          c. Deposition of Treating Physicians

11       **III. Reasons for Requested Extension**

12           The parties acknowledge there have already been many extensions of discovery in this  
13       matter. Currently, there is an added exigency where Defendants have a pending motion to dismiss  
14       Plaintiff traumatic brain injury claims (ECF No. 22). The parties previously stipulated that if the  
15       motion is denied, then discovery will be extended to allow for additional time to conduct  
16       discovery on the brain injury claim and conducting a Rule 35 neuropsychological examination. If  
17       the motion is granted, then the parties had agreed for discovery to close on August 5<sup>th</sup>, 2022 with  
18       the dispositive motion and pre-trial order deadlines to fall 30 days after the date when the Court  
19       granted the motion.

20           Separately, the parties have agreed to mediate the case on August 26<sup>th</sup>, 2022 before Judge  
21       Glass. There is still remaining discovery on non-TBI related matters, including deposition of  
22       Plaintiff's treating providers and experts for Plaintiff's spine and shoulder injuries. The parties are  
23       now requesting a 90-day extension for two reasons. First, the parties are hopeful that a resolution  
24       can be reached at mediation and further litigation cost spared. Second, and much more practically,  
25       the parties' experts and Plaintiffs' treating providers have a busy schedule with their patients and  
26       have limited availability for depositions. One treating provider, Dr. Jason Garber, is not available  
27       for deposition until November 8<sup>th</sup>, which the parties agree to take outside of the discovery period.  
28       As a result, more time is needed to conduct these depositions.

An extension would also help simplify and streamline the prior complications caused by the motion to dismiss Plaintiff's TBI claim. An extension would give the Court enough time to decide the motion, and then leave enough time for the dispositive motion deadline and pre-trial order deadline.

The parties would still reserve the right to reconsider the current close of discovery deadline in the event the Court denies Defendants' motion by submitting a new stipulation within 30 days of the decision.

#### **IV. Current Dates and Requested Extensions**

<b>Event</b>	<b>Current Date</b>	<b>Proposed Date</b>
Last Date to Add Parties and Amend Pleadings and Interim Status Report	Closed.	Closed. (no change)
Disclosure of Expert Witnesses	Closed	Closed. (no change)
Disclosure of Rebuttal Expert Witnesses	Closed	Closed (no change)
Close of Discovery	August 5, 2022	November 3, 2022
Dispositive Motions	If motion to dismiss neuropsychological claims is granted, 30 days after the motion is granted.	December 2, 2022
Pre-Trial Order	30 days after the dispositive motion deadline, if no dispositive motions are filed.	January 3 <sup>rd</sup> , 2022

///

///

///



/s/ Michael Lowry

Michael P. Lowry, Esq.  
Nevada Bar No. 10666  
Jonathan C. Pattillo, Esq.  
Nevada Bar No. 13929  
6689 Las Vegas Boulevard South, Suite 200  
Las Vegas, NV 89119  
Attorneys for Steven T. West; Blake  
Reidhead, Inc.

LADAH LAW FIRM

/s/ Joseph M. Chu

Ramzy P. Ladah, Esq.  
Nevada Bar No. 11405  
Joseph M. Chu, Esq.  
Nevada Bar No. 11082  
517 S. 3<sup>rd</sup> St.  
Las Vegas, NV 89101  
Attorneys for Plaintiff

## ORDER

**IT IS SO ORDERED.**

A handwritten signature in blue ink, likely belonging to the United States Magistrate Judge.

UNITED STATES MAGISTRATE JUDGE

Dated: July 18, 2022

### Certificate of Service

Pursuant to NRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on July 15, 2022, I served **Stipulation to Extend Discovery Deadlines (Sixth Request)** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;

Ladah Law Firm  
517 S. 3<sup>rd</sup> St.  
Las Vegas, NV 89101  
Attorneys for Gary Bernstein

BY: /s/ Amanda Hill  
An Employee of

